

NOV 19 2007

PTO/SB/21 (04-07)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

14

Application Number

09/295,925

Filing Date

April 21, 1999

First Named Inventor

Joshi, Phalgun B.

Art Unit

1632

Examiner Name

J. Voitach

Attorney Docket Number

020801-001010US

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a
Provisional Application☐Power of Attorney, Revocation
Change of Correspondence Address☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐Appeal Communication to Board
of Appeals and Interferences☐Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify
below):

Request to Correct Assignee Names
Under 37 C.F.R. §3.81(b) (3 pgs.); Copy
of a Notice regarding Request for
Certificate of Correction (2 pgs.); Copy
of the Notice of Recordation dated
November 22, 1999 (1 pg.); Copy of the
Notice of Recordation dated July 1,
2002 (2 pgs.); Copy of Request for
Certificate of Correction initially filed
May 20, 2005 (5 pgs.); Return Postcard

☐Certified Copy of Priority
Document(s)☐Reply to Missing Parts/ Incomplete
Application☐Reply to Missing Parts
under 37 CFR 1.52 or 1.53

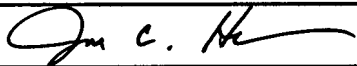
Remarks

The Commissioner is authorized to charge any additional fees to Deposit
Account 20-1430.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Townsend and Townsend and Crew LLP

Signature



Printed name

Joe C. Hao

Date

November 14, 2007

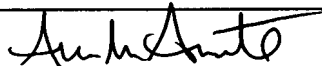
Reg. No.

55,246

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature



Typed or printed name

Anna Marie Arante

Date

November 14, 2007

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number

09/295,925

Filing Date

April 21, 1999

First Named Inventor

Joshi, Phalgun B.

Art Unit

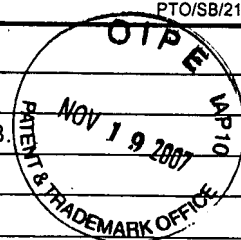
1632

Examiner Name

J. Woitach

Attorney Docket Number

020801-001010US



ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Request for Certificate of Correction Under 37 CFR §1.323 (in duplicate); Certificate of Correction (PTO/SB/44); Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Carol A. Fang		
Date	05/20/05	Reg. No.	48,631

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Signature			
Typed or printed name	Anna C. Kundel	Date	05/20/05

PATENT APPLICATION
FILING ACKNOWLEDGMENT

Mailing Date:

May 20, 2005

File No.:

020801-001010US

Attorney:

CAF/ack

Serial No.

09/295,925

Inventor(s):

Joshi, *et al.*

Title:

COMBINATION THERAPY USING NUCLEIC ACIDS AND RADIO THERAPY

Due Date:

n/a

- Transmittal Form (PTO/SB/21)
- Request for Certificate of Correction Under 37 CFR §1.323 (in duplicate)
- Certificate of Correction (PTO/SB/44)

Please stamp the date of receipt of the enclosed documents and return this card to addressee

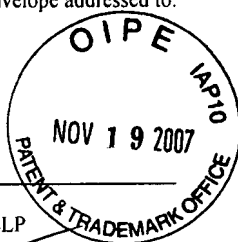
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On November 14, 2007

TOWNSEND and TOWNSEND and CREW LLP

By



PATENT
Docket No. 020801-001010US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Phalgun B. JOSHI, et al.

Patent No.: 6,841,538 B1

Issued: January 11, 2005

Application No.: 09/295,925

Filed: April 21, 1999

For: COMBINATION THERAPY
USING NUCLEIC ACIDS AND RADIO
THERAPY

Confirmation No.: 7753

Examiner: WOITACH, JOSEPH T

Art Unit: 1632

REQUEST TO CORRECT ASSIGNEE
NAMES UNDER 37 C.F.R. § 3.81(b)

11/20/2007 MBLANCO 00000013 201430 6841538
01 FC:1464 130.00 DA

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Decision mailed March 30, 2007 denying Patentee's Request for a Certificate of Correction (copy attached), Patentee hereby submits a Request to Correct Assignee Names under 37 C.F.R. § 3.81(b) to read as follows:

Assignees: **Protiva Biotherapeutics, Inc., Burnaby (CA); British Columbia Cancer Agency, Vancouver (CA).**

Patentee states that the failure to include the correct Assignee names on the Issue Fee Transmittal Form PTOL-85B, submitted November 23, 2004, was inadvertent.

Patentee also submits a copy of the following Notice of Recordation of Assignment Documents:

- (1) Notice of Recordation of Assignment Document mailed November 22, 1999, which reflects the Assignment of the above-referenced application from inventor Ralph E. Durand to **British Columbia Cancer Agency**, Vancouver (CA), recorded September 13, 1999, at Reel 010232, Frame 0951; and
- (2) Notice of Recordation of Assignment Document mailed July 1, 2002, which reflects the Assignment of the above-referenced application from Inex Pharmaceuticals Corporation to **Protiva Biotherapeutics, Inc.**, Burnaby (CA), recorded April 22, 2002, at Reel 012840, Frame 0724.

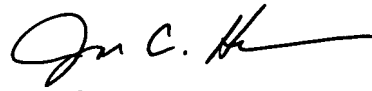
Patentee states that these Assignments were submitted for recordation as set forth in 37 C.F.R. § 3.11 before issuance of the above-referenced patent.

On May 20, 2005, Patentee submitted a Request for a Certificate of Correction (copy attached) under 37 CFR § 1.323 and authorized the deduction of \$100.00 from Deposit Account No. 20-1430 for the fee set forth in 37 CFR § 1.20(a). As a result, Patentee believes that the only fee required is the processing fee set forth in 37 § CFR 1.17(i). As such, Patentee hereby authorizes the deduction of the \$130.00 processing fee and any additional fees that might be due in connection with this Request from Deposit Account No. 20-1430.

Patentee respectfully requests that the file for the above-referenced patent be forwarded to the Certificates of Correction Branch for issuance of the previously filed Request for a Certificate of Correction if this Request is granted.

If a telephone conference would expedite processing of this Request, the Petitions Branch is invited to telephone the undersigned at (925) 472-5000.

Respectfully submitted,



Joe C. Hao
Reg. No. 55,246

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 925-472-5000
Fax: 415-576-0300
Attachments
JCH:ama
61123726 v1



UNITED STATES PA
TENT AND TRADEMARK OFFICE



020801-001010US
CAF, INC

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed : March 30, 2007

Patent No. : 6,841,538 B1

Ser. No. : 09/295925

Inventor(s) : Phalgun B. Joshi, et al.

Issued : January 11, 2005

Title : COMBINATION THERAPY USING NUCLEIC ACIDS AND RADIO THERAPY

TOWNSEND TOWNSEND
& CREW

APR 05 2007

COPY

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.117(h) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Magdalene Talley

For Cecelia Newman, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 116 or 125

Townsend & Townsend and Crew LLP
Two Embarcadero Center, 8th Fl.
San Francisco, CA 94111-3834

CBN/mt



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

NOVEMBER 22, 1999

PTAS
TOWNSEND AND TOWNSEND AND CREW LLP
EUGENIA GARRETT-WACKOWSKI
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3834



101148665A

COPY

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/13/1999

REEL/FRAME: 010232/0951
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DURAND, RALPH E.

DOC DATE: 08/10/1999

ASSIGNEE:

BRITISH COLUMBIA CANCER AGENCY
601 WEST 10TH AVENUE
VANCOUVER, B.C., CANADA V5Z 4E6

SERIAL NUMBER: 09295925
PATENT NUMBER:

FILING DATE: 04/21/1999
ISSUE DATE:

KIMBERLY WHITE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



COPY

JULY 01, 2002

PTAS
TOWNSEND AND TOWNSEND AND CREW LLP
CAROL FANG
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3834

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Arlington, VA 22202-3513
www.uspto.gov



102075140A

UNITED STATES PATENT AND TRADEMARK OFFICE
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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/22/2002

REEL/FRAME: 012840/0724
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

INEX PHARMACEUTICALS CORPORATION

DOC DATE: 04/11/2002

ASSIGNEE:

PROTIVA BIOTHERAPEUTICS INC.
150-8900 GLENLYON PARKWAY
GLENLYON BUSINESS PARK
BURNABY B.C., CANADA V5J 5J8

SERIAL NUMBER: 09295663
PATENT NUMBER:

FILING DATE: 04/21/1999
ISSUE DATE:

SERIAL NUMBER: 09243102
PATENT NUMBER:

FILING DATE: 02/02/1999
ISSUE DATE:

SERIAL NUMBER: 09295925
PATENT NUMBER:

FILING DATE: 04/21/1999
ISSUE DATE:

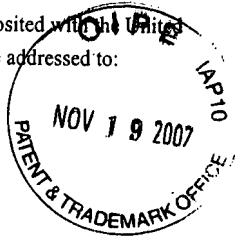
012840/0724 PAGE 2

THERESA FREDERICK, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

COPY

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Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450 Alexandria
VA 22313-1450:



PATENT
Attorney Docket No.: 020801-001010US

On: May 20, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]
Anna C. Kundel

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JOSHI, *et al.*

Patent No.: 6,841,538

Issue Date: January 11, 2005

Application No.: 09/295,925

Filed: April 21, 1999

For: COMBINATION THERAPY
USING NUCLEIC ACIDS AND RADIO
THERAPY

Customer No.: 20350

Examiner: Joseph T. Voitach

Technology Center/Art Unit: 1632

REQUEST FOR CERTIFICATE OF
CORRECTION UNDER 37 CFR § 1.323

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

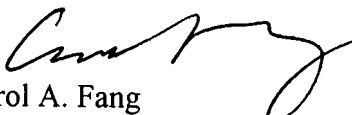
Pursuant to 37 CFR 1.323, Applicant submits a Request For Certificate of Correction, correcting printing errors made at the time of printing the patent. The desired correction is set forth on the enclosed form PTO/SB/44.

More specifically, Applicant wishes to amend the Assignee Information on the face of the patent. Inex Pharmaceuticals Corporation assigned their rights to Protiva Biotherapeutics, Inc., on April 11, 2002. The document was recorded on Reel 012840, Frame 0724, with the Assignment Division of the U.S. Patent & Trademark Office. The assignees should read as follows on the face of the patent:

Assignees: **Protiva Biotherapeutics, Inc.**, Burnaby
(CA); **British Columbia Cancer Agency**,
Vancouver (CA)

Applicant believes that there is an \$100 fee for submission of this statement. The Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account. A duplicate copy of this Request is attached.

Respectfully submitted,


Carol A. Fang
Reg. No. 48,631

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
Attachment
CAF/ack
60496339 v1

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : 6,841,538
DATED : January 11, 2005
INVENTOR(S) : JOSHI et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Front Page, Left Column, at [73] Assignees, delete "Inex Pharmaceuticals Corporation" and substitute therefore:

--Protiva Biotherapeutics, Inc.--.

MAILING ADDRESS OF SENDER: Carol A. Fang
Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834

PATENT NO. 6,841,538

File: 020801-001010US CAF/ack

No. of additional copies: 0



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60496380 v1